

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal No. 3:14-cr-6
)	
v.)	
)	
JESSE DEWAYNE MOORE,)	GOVERNMENT’S
)	SENTENCING MEMORANDUM
Defendant.)	

COMES NOW the United States of America, by and through Assistant United States Attorney Richard D. Westphal, and hereby submits the following memorandum for sentencing in this matter:

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I. BACKGROUND

On January 22, 2014, Jesse Dewayne Moore was charged in a one count indictment with Coercion and Enticement of a Minor, in violation of Title 18, United States Code, § 2422(b). (District Court Docket, hereinafter “DCD” 36, Presentence Report (PSR) ¶ 1.) On March 28, 2014, Moore pled guilty to this offense. (PSR ¶ 2.)

Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), the parties have agreed to recommend to the district court a total sentence of 120 months imprisonment and 10 years of supervised release. At this time, the government does not plan on presenting any testimony at sentencing. The government also recognizes that the district court will review the victim impact statements submitted to probation by the victim and the victim’s mother.

II. SENTENCING CALCULATION

A. Statutory Maximum and Minimum Sentence

Under 18 U.S.C. § 2422(b), Moore’s statutory sentencing range is a mandatory minimum 120 months imprisonment and a maximum of life.

B. Sentencing Guidelines Calculation

The presentence report calculated the advisory guideline range in PSR ¶¶ 20-31, 37-39, 97 and 98 as a Level 31/Criminal History III = 135-168 months imprisonment.

C. Joint Recommended Sentence

Under Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the parties agree that the Court should impose a sentence of 120 months imprisonment and at least 10 years supervised release; and the parties will not advocate for a higher or lower sentence at the time of sentencing. The parties agree that this sentence takes into account all of the relevant factors set forth under 18 U.S.C. § 3553(a), including the advisory sentencing guidelines calculation, the nature and

circumstances of the offense, the history and characteristics of the defendant, and other pertinent factors. Should the Court decline to impose this recommended sentence, Moore may withdraw his plea of guilty and the case will then be set for trial; likewise, if the Court declines to impose the recommended sentence, the Government also may withdraw from this Plea Agreement and the case will be set for trial.

III. GOVERNMENT'S RECOMMENDATION

The government recommends that the district court adopted the joint recommendation of the parties and sentence Moore to 120 months imprisonment and 10 years of supervised release. Although the government does not object to the advisory guideline calculation in the PSR, based on the factors listed in 18 U.S.C. § 3553(a) the government requests that the district court agree to the recommended sentence of 120 months imprisonment.

WHEREFORE, the government prays that the district court consider this sentencing memorandum in determining the final sentence of the defendant.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2014, I electronically filed the foregoing with the Clerk of Court using the CM ECF system. I hereby certify that a copy of this document was served on the parties or attorneys of record by:

☐ U.S. Mail ☐ Fax ☐ Hand Delivery

☒ ECF/Electronic filing ☐ Other means

UNITED STATES ATTORNEY

By: /s/ **Richard D. Westphal**
Richard D. Westphal
United States Attorney's Office